



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

वीरवार, 30 दिसम्बर, 2021/09 पौष, 1943

हिमाचल प्रदेश सरकार

LABOUR AND EMPLOYMENT DEPARTMENT

NOTIFICATION

Dharamshala, the 17th December, 2021

No. Shram(A) 6-2/2020 (Awards).— In exercise of the powers vested under section 17 (1) of the Industrial Disputes Act, 1947, the Governor Himachal Pradesh is pleased to order the publication of awards of the following cases announced by the Presiding Officer, Labour Court,

Dharamshala on the website of the Department of Labour & Employment Government of Himachal Pradesh:—

Sl. No.	Ref. No.	Petitioner	Respondent	Date of Award / Order
1.	33/2019	Yeshe Dolkar	E.E. HPPWD, Kaza	07-10-2021
2.	51/2018	Neeraj Patial	Dy.Dir. Higher Education D/Shala	18-10-2021
3.	102/2017	Ramesh Kumar	D.F.O. Churah	26-10-2021
4.	145/2016	Bhilo Ram	E.E. HPPWD, Salooni	26-10-2021
5.	21/2018	Beena Devi	E.E. HPPWD, Dharampur	29-10-2021
6.	65/2020	Bhajan Singh	M/S Sodhi Brother Hydro Power	18-10-2021

By order,
Sd/-
(R. D. DHIMAN, IAS),
Addl. Chief Secretary (Lab. & Emp.).

IN THE COURT OF SHRI ARVIND MALHOTRA, PRESIDING JUDGE, LABOUR COURT-CUM-INDUSTRIAL TRIBUNAL, KANGRA AT DHARAMSHALA (H.P.) (CAMP AT KAZA)

Ref. No. : 33/2019
Date of Institution : 22-4-2019
Date of Decision : 07-10-2021

Smt. Yeshe Dolker w/o Shri Lobzang Tashi, r/o Village & P.O. Dhankhar, Tehsil Kaza, District Lahaul & Spiti, H.P. . .Petitioner.

Versus

The Executive Engineer, HPPWD B&R Division Kaza, District Lahaul & Spiti, H.P. . .Respondent.

Reference under Section 10 (1) of the Industrial Disputes Act, 1947

For the Petitioner : Sh. Vijay Kaundal, Ld. Adv.
: Sh. Rajat Chaudhary, Ld. Adv.
For Respondent : Sh. Anil Sharma, Ld. Dy. D.A.

AWARD

The reference given below has been received from the appropriate Government for adjudication:

“Whether termination of services of Smt. Yeshe Dolker w/o Sh. Lobzang Tashi, Village & P.O. Dhankhar, Tehsil Kaza, Distt. Lahaul & Spiti, H.P. by the Executive Engineer, HPPWD, B&R Division Kaza, Distt. Lahaul & Spiti (H.P.) w.e.f. 30-10-2015 allegedly without complying with the provisions of the Industrial Disputes Act, 1947 is legal and justified? If not, what amount of back wages, seniority, past service benefits and compensation the above ex-worker is entitled to from the above employer/management?”

2. Today the case was listed for evidence of the petitioner. Learned counsel for the petitioner has made the following statement in the Court today:—

“Under instructions of Smt. Yeshe Dolker petitioner and on her behalf, being authorized by her, I state that petitioner does not intend to pursue her claim against the respondent and consequently she withdraws her case/claim against the respondent and present reference be answered accordingly”.

RO&AC
Sd/-
(Shri Vijay Kaundal, Ld. Adv.)

PJ
Sd/-

3. In view of the above statement, this reference/claim petition is disposed off as not pursued and withdrawn by the petitioner. Parties to bear their own costs.

4. The reference is answered in the aforesaid terms.

5. A copy of this Award be sent to the appropriate Government for necessary action at its end and the file after due completion be consigned to the Record Room.

Announced in the open Court today this 7th day of October, 2021.

Sd/-
(ARVIND MALHOTRA)
Presiding Judge,
Labour Court-cum-Industrial Tribunal,
Kangra at Dharamshala, H.P.
(Camp at Kaza).

IN THE COURT OF SHRI ARVIND MALHOTRA, PRESIDING JUDGE, LABOUR COURT-CUM-INDUSTRIAL TRIBUNAL, KANGRA AT DHARAMSHALA (H.P.)

Ref. No. : 51/2018
Date of Institution : 6-6-2018
Date of Decision : 18-10-2021

Shri Neeraj Patial s/o Shri Dhani Ram, r/o Village Kheri, P.O. Draman, Tehsil Jaisinghpur, District Kangra, H.P. (Deceased, through his mother Smt. Rama Devi, Legal Heir) . . .Petitioner.

Versus

1. Deputy Director, Higher Education, Kangra at Dharamshala, District Kangra, H.P.

2. Head Master, Government High School, Draman, Tehsil Jaisinghpur, District Kangra, H.P. . .Respondents.

Reference under Section 10 (1) of the Industrial Disputes Act, 1947

For the Petitioner : Sh. Vijay Kaundal, Ld. Adv.
: Sh. Rajat Chaudhary, Ld. Adv.

For Respondent(s) : Sh. Gaurav Keshav, Ld. A.D.A.

AWARD

The reference given below has been received from the appropriate Government for adjudication:

“Whether the termination of services of Shri Neeraj Patial s/o Shri Dhani Ram, Part Time water carrier, r/o Village Kheri, P.O. Draman, Tehsil Jaisinghpur, District Kangra, H.P. by the (1) Deputy Director, Higher Education, Kangra at Dharamshala, District Kangra, H.P. (2) Head Master, Government High School, Draman, Tehsil Jaisinghpur, District Kangra, H.P. w.e.f. 12-11-2016 without serving any notice, without complying with the provisions of the Industrial Disputes Act, 1947, whereas person junior to him have been engaged, without following the principle of ‘Last Come First Go’, is legal and justified? If not, to what amount of back wages, seniority, past service benefits and compensation the above ex-worker is entitled to from the above employers/managements?”

2. Shri Neeraj Patial petitioner had expired on 17-9-2018 and his mother Smt. Rama Devi was allowed to be substituted as his legal heir *vide* order dated 27-8-2019 passed by this Court.

3. Today the case was listed for evidence of the petitioner. Learned counsel for the petitioner has made the following statement in the Court today:—

“I am authorized counsel of petitioner Smt. Rama Devi, mother of deceased Shri Neeraj Patial. I have been authorized by Smt. Rama Devi to make statement on her behalf that she does not intend to pursue the present claim petition against the respondents and therefore withdraws the same. Accordingly, the present reference may be answered as not pursued and withdrawn”.

RO&AC
Sd/-
(Shri Vijay Kaundal, Ld. Adv.)

PJ
Sd/-

4. In view of the above statement, this reference/claim petition is disposed off as not pursued and withdrawn by the petitioner. Parties to bear their own costs.

5. The reference is answered in the aforesaid terms.

6. A copy of this Award be sent to the appropriate Government for necessary action at its end and the file after due completion be consigned to the Record Room.

Announced in the open Court today this 18th day of October, 2021.

Sd/-
(ARVIND MALHOTRA),
Presiding Judge,
Labour Court-cum-Industrial Tribunal,
Kangra at Dharamshala, H.P.

**IN THE COURT OF SHRI ARVIND MALHOTRA, PRESIDING JUDGE, LABOUR
COURT-CUM-INDUSTRIAL TRIBUNAL, KANGRA AT DHARAMSHALA (H.P.)**

Ref. No. : 102/2017
Date of Institution : 28-3-2017
Date of Decision : 26-10-2021

Shri Ramesh Kumar s/o Shri Dinnu Ram, r/o Village Saroti, P.O. Bhajotra, Sub Tehsil Bhalei, District Chamba, H.P. . *Petitioner.*

Versus

The Divisional Forest Officer, Churah, Forest Division, Salooni, District Chamba, H.P. . *Respondent.*

Reference under Section 10 (1) of the Industrial Disputes Act, 1947.

For the Petitioner : Sh. I.S. Jaryal, Ld. AR.
For the Respondent : Sh. Anil Sharma, Ld. Dy. D.A.

AWARD

Reference under Section 10(1) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act' for short) to the following effect has been received for adjudication from the appropriate Government:

“Whether giving the fifteen days breaks in service to Shri Ramesh Kumar s/o Shri Dinnu Ram, r/o Village Saroti, P.O. Bhajotra, Sub Tehsil Bhalei, District Chamba, H.P. workman during his service period from March, 2009 to onwards by the Divisional Forest Officer, Churah, Forest Division Salooni, District Chamba, H.P. without following/complying with the provisions of the Industrial Disputes Act, 1947, as alleged by the workman, is legal and justified? If not, what relief of past service benefits the above workman is entitled to for the above mentioned period from the concerned employer?”

2. In nutshell, the facts as pleaded by petitioner in his statement of claim are as follows. Father of petitioner late Shri Dinnu Ram was working on daily waged basis with respondent department, who expired on 29-12-2008 (as per affidavit Ex.PW1/A tendered in evidence), while in

service. After his death petitioner has claimed to be engaged in place of his father under Kith and Kin scheme in Drod Nursery, Forest Range Bhalei in the month of March, 2009. Petitioner was deputed for full month to maintain the Drod Nursery work, watch and ward but respondent department had given wages for 15 to 20 days instead of 30 to 31 days. Respondent department did not issue muster roll to the petitioner but wages were disbursed through bill vouchers system, which action of respondent was malafide. Respondent department is stated to have given fictional/artificial breaks with the intention that petitioner may not complete the criteria of 240 days continuous service in each calendar year and deprived him from benefit of regularization. Petitioner has made various requests to the authorities but in vain. Workers juniors to petitioner and favourite to respondent were kept/retained on muster roll continuously, allowing them to work for full month and thus department is claimed to have violated the rule of seniority and principle of 'last come first go'. Overall Divisional level seniority has neither been circulated nor got noted from the concerned workmen. The action of respondent is stated to be illegal and unjustified and in gross violation of Sections 25-G and 25-H of the Industrial Disputes Act, 1947 read with Rules 82 and 83 of H.P. Industrial Disputes Rules, 1974. Fresh workers are stated to have engaged throughout the Division but no preference was given to the petitioner. Petitioner has claimed to be entitled for counting intermittent/artificial breaks for the purpose of calculation of 240 days continuous service in each calendar year with all consequential benefits and regularization *w.e.f.* 01-01-2016 as per the seven years regularization policy of the H.P. Government.

3. Respondent contested the claim by filing reply raising preliminary submission that no legal and fundamental right of the petitioner has been infringed by the respondent and as such claim petition is not maintainable. On merits, respondent denied petitioner to have been engaged in place of his father under Kith and Kin scheme. It is submitted that petitioner was engaged in October, 2009 for seasonal work in Drod Nursery on muster roll basis for the months of October and November, 2009. Thereafter, the petitioner is stated to have intermittently worked with department on bill basis for seasonal work. It is denied that petitioner was paid 15 to 20 days wages instead of 30 to 31 days. Giving of fictional breaks is also denied. It is further submitted that neither any junior was engaged nor retained by the respondent. Petitioner is stated to have not completed 240 days in preceding twelve months. It is also submitted that as petitioner is not daily waged worker so no question of getting noted any such seniority list. Violation of Section 25-G and other provisions of the Act are denied. Thus, dismissal of petitioner's claim petition is prayed for.

4. Rejoinder was filed by the petitioner denying contents of the reply and reasserting those of the claim petition.

5. On the pleadings of parties, following issues were framed on 30-11-2017:—

1. Whether given fifteen days breaks in the services of petitioner during March, 2009 onwards by respondent/department is/was illegal and unjustified as alleged. If so, its effect? . . .*OPP.*
2. If issue no.1 is proved in affirmative, to what service benefits the petitioner is entitled to? . . .*OPP.*
3. Whether the claim petition is not maintainable in present form as alleged? . . .*OPR.*
Relief.

6. Evidence was led by the parties to the lis in support of the issues so framed.

7. Petitioner Shri Ramesh Kumar has deposed as PW1 his entire case as set up in the statement of claim, through his sworn affidavit Ex.PW/1A. He categorically deposed that he was employed as daily wager in March, 2009 with respondent department in Drod nursery Forest Division, Salooni where his father earlier had worked as daily wager who died on 29-12-2008 and he was appointed on compassionate ground in his place. Petitioner is continuously working since year 2009 but the respondent department has been paying him wages only for 15 to 20 days by giving fictional breaks. Petitioner is not being issued muster rolls or casual card. The fictional breaks are stated to be given to prevent petitioner from completing 240 days criteria despite availability of adequate budget and work with respondent. Respondent department had retained on work fresh/junior workers and thereby contravened Section 25-H of the Act. Before giving fictional breaks no charge sheet was given nor any inquiry was conducted as also petitioner not afforded opportunity to put up his defence. Thus, petitioner has prayed for declaring the fictional breaks as illegal and counting the service as continuous under Section 25-B of the Act as well for consequential benefits viz. seniority, regularization, arrear of back wages etc.

8. Petitioner has further tendered in evidence copies of his representations dated 10-1-2015 Mark-A, 10-6-2015 Mark-B, copy of demand notice Ex.P1, copy of letter dated 27th March, 2006 Ex.PW1/B from the Principal Secretary, I&PH, Government of Himachal Pradesh mentioning that Court has not recognized fictional breaks and have held such persons to be in continuous employment on daily wage basis and thereby requesting further action by all the Executive Engineers.

9. In cross-examination PW-1 claimed ignorance that in October and November, 2009 he had worked on muster rolls. He admitted working with department on bill basis after 2009 and still working on bill basis. He denied that department has never retrenched him. Also denied not having worked for 240 days or more in any year. He admitted not regularizing any person by the department in work after his coming to work. Further deposed he has two bighas of land, over which, he does agriculture. Later, learned Authorized Representative of petitioner tendered in evidence copy of letter dated 7-1-2009 alongwith seniority list Ex.PX.

10. Per contra, RW-1 Shri Kamal Bharti, Divisional Forest Officer, Churah has deposed the defence of respondent *vide* his affidavit Ex.RW1/A. He denied petitioner having been engaged in place of his father under Kith and Kin scheme. According to him, petitioner was engaged in October, 2009 for seasonal work in Drod Nursery. Petitioner was initially engaged on muster roll basis for the months of October and November, 2009 and thereafter petitioner intermittently worked with the department on bill basis for seasonal work. He denied giving fictional breaks to the petitioner so as to prevent him from completing 240 days in each calendar year. Denied any junior engaged or retained by department. Also denied violation of Sections 25-G and H of the Act. Further deposed petitioner to have been gainfully employed as an agriculturist. He tendered in evidence mandays chart and detail of bills Ex.RW1/B in respect of petitioner Shri Ramesh Kumar, copy of muster rolls Ex.RW1/C & Ex.RW1/D and copies of bills Ex.RW1/E1 to Ex.RW1/E47.

11. In cross-examination RW-1 admitted engagement of petitioner in year 2009 on muster rolls. Voluntarily stated that only for two months, but pursuant to Government notification received in between petitioner was given work on bills. He admitted that in the instructions of 9-11-2009 there was direction that the earlier daily wagers be retained on muster rolls. He denied that the work of nursery continues throughout the year. Voluntarily stated it was seasonal. He admitted seniority list at the Divisional level. He admitted issuance of Government notification Ex. PX regarding regularization of daily wagers and office order dated 24.7.2017 bearing his signature regarding regularization as Ex.PY. Voluntarily stated that according to Ex.PY only those workers were regularized who were found entitled as per the conditions of the Government. He admitted that petitioner was never charge sheeted as per record.

12. After the close of evidence by parties, arguments of learned Authorized Representative for the petitioner and learned Deputy District Attorney for the respondent were heard and records carefully perused.

13. For the reasons to be recorded hereinafter the findings of this Court on the above issues are as under:—

Issue No.1 : Yes

Issue No.2 : As per discussion

Issue No.3 : No

Relief. : Petition is partly allowed as per operative part of the Award.

REASONS FOR FINDINGS

ISSUES No.1 and 2

14. Both these issues taken up together for discussion and disposal as they are interlinked so as to avoid repetition of facts and evidence.

15. The core controversy in the present reference is whether breaks given in services to the petitioner by the respondent are illegal and unjustified. Petitioner has affirmatively deposed the same. Admittedly, petitioner was engaged on muster roll basis and same is evident from the muster rolls Ex. RW1/C and Ex.RW1/D as also specifically admitted by RW1. But the defence of respondent is that after two months, due to Government notification, petitioner was given work on bill basis. Ld. Counsel for petitioner has claimed that unilateral change in service condition from daily wage basis *i.e.* muster rolls to bill basis without issuance of notice under Section 9A(a) of the Act is impermissible under law. Furthermore, there is a procedure envisaged in Rule 37 of the Industrial Disputes Rules 1974 as applicable to the State of Himachal Pradesh which provides as under:—

“37. Notice of change.—Any employer intending to effect any change in the conditions of service applicable to any workman in respect of any matter specified in the Fourth Schedule to the Act shall give notice of such intention in Form ‘E’.

The notice shall be displayed conspicuously by the employer on a notice board at the main entrance to the establishment and in the Manager’s Office.

Provided that where any registered trade union of workmen exists a copy of the notice shall also be served by registered post on the Secretary of such union”.

16. Certainly, the condition of service for change of wages including the period and mode of payment, requires notice to be given under Section 9A in terms of clause 1 of the Fourth Schedule of the Act. Since the change in service condition is impermissible under law without issuance of notice under Section 9A, the defence of respondent qua the petitioner working on bill basis is rejected. Another aspect weighing in favour of petitioner is that RW1 Shri Kamal Bharti has specifically admitted that in instructions of 9-11-2009 there was a direction to retain the previous daily wagers on muster rolls.

17. Significantly, the seniority list of daily wagers in respect of Churah Forest Division Ex. PX evidences that Shri Pawan Kumar s/o Shri Desh Raj at serial no.8 initially engaged in year 2011 and Shri Harish Kumar s/o Shri Kamal Dutt at serial no.10 initially engaged in June, 2012 have been shown to have both worked for 240 days from year 2013 upto 2017. When these workers, who were later inducted, were given work as daily wagers for more than 240 days in each calendar year why the work in same proportion was not given to the petitioner who has engaged initially in year 2009, has not been explained by the respondent. This is discriminatory and is violative of Articles 14 and 16 of Constitution of India.

18. The defence of respondent department that the forest work was seasonal cannot be accepted for the reason that no document has been brought on record by respondent evidencing that the forestry work is seasonal or petitioner was employed for seasonal forestry work. There is not an iota of evidence on record to show that the forest department has been declared as seasonal industry as required under the law.

19. By engaging and providing work for more than 240 days in each calendar year to juniors Shri Pawan Kumar & Shri Harish Kumar and engaging fresh persons aforementioned on muster rolls without giving an opportunity to the petitioner to offer himself for re-employment on muster rolls, the respondent department has violated the rule 'last come first go' envisaged under Section 25-G of the Act as no tangible reason has been assigned for the same. It is well settled that for attracting the applicability of Section 25-G of the Act, the workman is not required to prove that he had worked for a period of 240 days during twelve calendar months preceding the termination of his service and it is sufficient for him to plead and prove that while effecting retrenchment, the employer violated the rule of 'last come first go' without any tangible reason, as held by Hon'ble Supreme Court in Harjinder Singh v. Punjab State Warehousing Corporation, AIR 2010 SC 1116.

20. The time to time termination of the services of petitioner, which are artificial/fictional breaks amount to unfair labour practice in terms of the Fifth Schedule of the Act. This break period is required to be counted for the purpose of continuous service as envisaged under Section 25-B of the Act. Section 25-B of the Act enjoins a duty upon the respondent/employer to provide work atleast for 240 days in a period of 12 calendar months to the workman for the purpose of continuous service. The employer can regulate the working of an employee as per his needs, but in view of spirit engrained in Section 25-B of the Act an employer is duty bound to provide the work for 240 days in a year to the employee/petitioner. Hon'ble Apex Court in **Employers In Relation To Digwadih Colliery v. Their Workmen**, AIR 1966 SC 75, has held that "service for 240 days in a period of 12 calendar months is equal not only to service for a year but is to be deemed continuous service even if interrupted". The fiction of law converts service of 240 days in a period of twelve calendar months into continuous service for one complete year. Thus, giving breaks which are fictional to the petitioner from September, 2009 onwards by Divisional Forest Officer, Churah are held to be illegal and unjustified. Issue no.1 is accordingly decided in affirmative.

21. Petitioner Shri Ramesh Kumar has mentioned his age as 31 years in his affidavit Ex.PW1/A sworn on 8-1-2018 meaning thereby he was about 22 years old in 2009. A man of 22 years of age cannot be presumed to sit idle at home. Further, he has admitted in cross-examination owning 2 bighas land and doing agriculture. Apart from that he is also working with the respondent department, though, allegedly on bill basis and drawing amounts as shown in bills Ex.RW1/E1 to Ex.RW1/E47. In such circumstances, petitioner is not entitled to back wages. However, the breaks period is to be counted for the purpose of continuous service as well as seniority except back wages. Further, petitioner is held entitled for regularization from the date he is eligible as per the regularization policy of the State Government or from the date when his immediate junior was regularized, whichever is earlier. Issue no.2 is accordingly decided in favour of petitioner.

22. In view of positive findings on issues above, the petition is held maintainable. Respondent has not able to establish as to how the petition is not maintainable. Consequently, issued no.3 is answered in negative against the respondent.

RELIEF

23. As a sequel to the findings arrived on the issues framed, the claim petition succeeds in part and same is partly allowed. Fictional breaks given to petitioner by respondent from September, 2009 onwards are held to be illegal and unjustified. The break period is ordered to be counted for the purpose of continuous service as well as seniority of the petitioner **except back wages**. Petitioner is also held entitled for regularization from the date he is eligible as per regularization policy of the State Government or from the date when his immediate junior was regularized, whichever is earlier. Parties are left to bear their own costs. The reference is answered in the aforesaid terms. A copy of this Award be sent to the appropriate Government for publication in the official gazette. File after due completion be consigned to the Record Room.

Announced in the open Court today this 26th day of October, 2021.

Sd/-
(ARVIND MALHOTRA),
Presiding Judge,
Labour Court-cum-Industrial Tribunal,
Kangra at Dharamshala, H.P.

IN THE COURT OF SHRI ARVIND MALHOTRA, PRESIDING JUDGE, LABOUR COURT-CUM-INDUSTRIAL TRIBUNAL, KANGRA AT DHARAMSHALA (H.P.)

Ref. No. : 145/2016
Date of Institution : 17-3-2016
Date of Decision : 26-10-2021

Shri Bhilo Ram s/o Shri Lochu Ram, r/o Village Dalound, P.O. Bheddella, Tehsil Salooni,
District Chamba, H.P. *Petitioner.*

Versus

The Executive Engineer, Salooni Division, H.P.P.W.D., Salooni, District Chamba, H.P.
.. . . . *Respondent.*

Reference under Section 10 (1) of the Industrial Disputes Act, 1947.

For the Petitioner : Sh. T.R. Bhardwaj, Ld. AR.

For the Respondent : Sh. Anil Sharma, Ld. Dy. D.A.

AWARD

Reference under Section 10(1) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act' for short) to the following effect has been received for adjudication from the appropriate Government:

“Whether alleged termination of services of Shri Bhilo Ram s/o Shri Lochu Ram, r/o Village Dalyound, P.O. Bheddella, Tehsil Salooni, District Chamba, H.P. during November, 2000 by the Executive Engineer, Salooni, Division, H.P.P.W.D., Salooni, District Chamba, H.P., who had worked as beldar on daily wages only for 152 days and 136 days in year, 1999 & 2000 and has raised his industrial dispute after more than 12 years *vide* demand notice dated 10-01-2013, without complying the provisions of the Industrial Disputes Act, 1947 is legal and justified? If not, keeping in view of working period of 152 days and 136 days in year, 1999 & 2000 respectively and delay of more than 12 years in raising the industrial dispute, what amount of back wages, seniority, past service benefits and compensation the above ex-worker is entitled to from the above employer/ management?”

2. In nutshell facts as pleaded by petitioner in his statement of claim are that he was initially engaged as daily waged beldar on muster roll basis in the month of January, 1999 under Salooni Division, HPPWD. He continuously worked with intermittent breaks till the date of illegal termination of services in the month of November, 2000. Petitioner never remained close from work at his own but respondent has given intermittent breaks to the petitioner in the month of July, August & September, 1999 and January to April, 2000, June, 2000 and August, 2000 just to favour junior workmen favourite to the respondent so that petitioner could not complete the criteria of continuous service of 240 days in each calendar year. The intermittent breaks are stated to be counted for the purpose of calculation of 240 days continuous service. It is further pleaded that petitioner was terminated in November, 2000 by passing verbal order without any reason. Junior workmen S/Sh. Rajinder, Gian Chand, Smt. Bimla, Naresh, Miss Saroj, Dharam Pal, Smt. Durgi Devi, Baldev etc. were continuously retained in the services after the termination of petitioner, which is clear cut violation of Section 25-G of the Act.

3. Petitioner also alleged violation of Section 25-F of the Act as respondent did not serve one month's notice or pay any wages in lieu of notice period. Petitioner number of times requested the respondent to re-engage him on muster roll but to no use. Petitioner raised the industrial dispute *vide* demand notice dated 10-1-2013 but no settlement could be arrived and failure report was sent to Labour Commissioner by the Conciliation Officer, Chamba who rejected the case of petitioner *vide* order dated 1-1-2014. Against the decision of Labour Commissioner, petitioner filed Civil Writ Petition No. 4251/2015 before Hon'ble High Court of Himachal Pradesh and Hon'ble High Court *vide* its judgment dated 26-10-2015 quashed order dated 1-1-2014 and accordingly Labour Commissioner has referred the dispute for adjudication to this Court. Petitioner has asserted that his petition does not suffer from the vice of delay and laches as provisions of Article 137 of Limitation Act, 1963 are not applicable. Petitioner has further claimed that respondent has not followed the principle of 'last come first go' nor the procedure of re-employment of retrenched workmen. Thus, he alleged gross violation of provisions of Sections 25-G & H of the Act read with Rule 82 & 83 of H.P. Industrial Disputes Rules, 1974. Petitioner has claimed to be entitled for regularization *w.e.f.* 1-1-2007 under the eight years regularization policy of the Government. Thus, he prayed for his reinstatement, calculation of continuous service and regularization alongwith full back wages, seniority etc.

4. Respondent contested the claim by filing reply raising preliminary submissions qua non-maintainability and petition suffering from delay and laches. On merits, respondent denied engaging petitioner as daily wagger in the month of January, 1999. However, submitted that petitioner was initially engaged as daily waged beldar *w.e.f.* April, 1999 and he worked intermittently upto November, 2000 where after he left the work at his own sweet will. Respondent

denied giving fictional breaks to the petitioner as also illegally terminating the services of petitioner. It has further been pleaded that petitioner has not completed 240 days in each calendar year and does not fulfill the criteria of Section 25-B of the Act and there is no need to serve notice under Section 25-F of the Act. It was denied that junior workers to petitioner were retained by respondent. It was asserted that workers Dharam Pal, Saroj Kumari, Baldev, Smt. Durgi Devi and Bimla were engaged on compassionate grounds as per died and harness policy of the Government and workmen Gian Chand and Naresh were engaged on the ground of terrorist victim so they are not to be treated as juniors to the petitioner. Respondent denied violation of Sections 25-F, G and H of the Act as also violation of principle of 'last come first go'. Thus, respondent prayed for dismissal of the claim petition.

5. Rejoinder was filed by the petitioner denying contents of the reply and reasserting those of the claim petition.

6. On the pleadings of parties, following issues were framed on 07.3.2018:—

1. Whether termination of the services of the petitioner by the respondent during Nov., 2000 is/was improper and unjustified as alleged? . . .*OPP*.
2. If issue no.1 is proved in affirmative, to what service benefits the petitioner is entitled to? . . .*OPP*.
3. Whether the claim petition is not maintainable in the present form as alleged? . . .*OPR*.
4. Whether the petition suffers from vice of delay and laches as alleged? . . .*OPR*.

Relief.

7. Evidence was led by the parties to the lis in support of the issues framed.

8. Petitioner Shri Bhilo Ram appeared in the witness as PW1 and deposed his entire claim as set up in the claim petition, by way of his affidavit Ex. PW1/A. He further tendered in evidence copies of applications Ex.PW1/B to Ex.PW1/D, copy of demand notice Ex.PW1/E, copy of seniority list Mark-X, copy of mandays chart Ex.PW1/F, copy of rejection order dated 1-1-2014 Ex.PW1/G and copy of decision dated 26-10-2015 Ex.PW1/H of Hon'ble High Court. In cross-examination he denied coming to work at his own. He also denied not giving of fictional breaks by the respondent. PW2 Shri Sunit Sharma, Clerk of the Labour Court, Dharamshala, exhibited copy of Award dated 16-12-2011 in case titled Tek Chand vs. Executive Engineer, HPPWD Salooni Ex.PW2/A, copy of statement of Shri A.K. Abrol Ex.PW2/B and copy of seniority list Ex.PW2/C.

9. On the other hand, Shri A.K. Pathania, Executive Engineer, Salooni Division, HPPWD Salooni appeared as RW1 and deposed about the defence of respondent, through his sworn affidavit Ex.RW1/A. He denied giving fictional breaks to the petitioner as well illegally terminating the services of petitioner. He also denied violation of Sections 25-G and H of the Act. RW1 further tendered in evidence copy of mandays of petitioner Ex.RW1/B and copies of mandays of other workers Ex.RW1/C.

10. In cross-examination he voluntarily stated petitioner to have been engaged in April, 1999. He deposed that department had not given any notice to the petitioner to join. He admitted not charge-sheeting the petitioner. He admitted the workers shown in Ex.RW1/C to have been employed after the petitioner.

11. Arguments of learned Authorized Representative for the petitioner and learned Deputy District Attorney for the respondent were heard and records carefully perused.

12. For the reasons to be recorded hereinafter, the findings of this Court on the above issues are as under:—

Issue No.1 : Yes

Issue No.2 : As per operative part of discussion

Issue No.3 : No

Issue No.4 : No

Relief. : Petition is partly allowed as per operative part of the Award.

REASONS FOR FINDINGS

ISSUES No.1 and 2

13. Both these issues taken up together for discussion and disposal as they are interlinked so as to avoid repetition of facts and evidence.

14. Petitioner has alleged that termination of his services by the respondent are in contravention of the provisions contained in Sections 25- F, G & H of the Act. The mandays chart Ex.PW1/F of petitioner, which has not been disputed by respondent, reveals that he had worked for 152 days in 1999 and 136 days in year 2000. Petitioner has claimed that intermittent breaks were given to him in the months of July, August & September, 1999 and January to April, 2000, June, 2000 and August, 2000. However, the reference to this Court does not raise issue of intermittent breaks but the alleged termination of services in November, 2000 by the respondent, as to whether they are without complying with the provisions of the Act. Thus, the question of intermittent breaks is beyond scope of reference and as such not to be entertained. As petitioner has not completed 240 days in the preceding year of his termination of services in 2000, that cannot be said to be violation of Section 25-F of the Act.

15. Coming to the other alleged violations, it is observed that petitioner has specifically stated that junior workmen Sh. Gian Chand, Smt. Bimla, Sh. Naresh, Miss. Saroj Kumari, Sh. Dharam Pal and Sh. Baldev had been retained in services after his (petitioner) termination and thus there is violation of Section 25-G of the Act. Though, respondent denied the same, but the list Ex.RW1/C of daily waged workers who have completed eight years or more service with 240 days in each calendar year in respect of Salooni Division of HPPWD does reveal that Miss Saroj Kumari at serial no.2, Sh. Dharam Pal at serial no.3, Sh. Baldev at serial no.4, Smt. Durgi at serial no.5 and Smt. Bimla at serial no.7, who all are engaged from year 2000 have completed more than 240 days and are admitted by RW1 to have been engaged after the petitioner as also they are continuously working. Though, RW1 has claimed that the workers were engaged in harness cases or appointed pursuant to Court orders but that certainly makes no difference so far as principle of 'last come first go' is concerned as envisaged under Section 25-G of the Act. Further, the seniority list of daily waged workers in respect of HPPWD Salooni Sub Division Ex.PW2/C also reveals that workers at serial no.325 to 335 who are shown inducted in year 2000, have been working continuously till year 2008 and are shown regular workers. Thus, these junior workers have been retained after the termination of the services of petitioner, which is violation of principle 'last come first go' envisaged under Section 25-G of the Act. It is well settled that for attracting the

applicability of Section 25-G of the Act, the workman is not required to prove that he had worked for a period of 240 days during twelve calendar months preceding the termination of his service and it is sufficient for him to plead and prove that while effecting retrenchment, the employer violated the rule of 'last come first go' without any tangible reason, as held by Hon'ble Supreme Court in **Harjinder Singh v. Punjab State Warehousing Corporation, AIR 2010 SC 1116**.

16. Also evident is the fact from seniority list Ex.PW2/C that new workmen were engaged in year 2001 as are shown mentioned at serial nos. 336 to 349. They are shown to be regular employees working depicted till 2010. Thus, without offering an opportunity to the petitioner for re-employment, the action of respondent appointing new workman is unjustified and in contravention of provisions of Section 25-H of the Act. Thus, the petitioner is entitled to the protection of mandatory provisions envisaged under Sections 25-G and H of the Act even if he had not completed 240 days in the preceding twelve months of his disengagement by respondent in November, 2000.

17. Though, respondent has denied termination of services of petitioner and raised the plea of abandonment but said plea is devoid of merit as RW-1 has admitted non issuance of any notice to join the services. Further, plea of abandonment has not been proved by the respondent by cogent evidence. If at all petitioner absented from work why respondent has not issued any show cause notice to the petitioner has not been explained. Hon'ble Apex Court in **G.T. Lad and others versus Chemicals and Fibers India Ltd., 1979 AIR(SC) 582** has held that voluntarily abandonment of work by a workman is required to be established by way of cogent and reliable evidence by the employer.

18. Consequently, issue no.1 is answered in affirmative in favour of petitioner.

19. Since the disengagement/retrenchment of petitioner at the hands of respondent is found in violation of the provisions of Sections 25-G and H of the Act, he is entitled for re-engagement/reinstatement. Petitioner Shri Bhilo Ram has stated in cross-examination that he does agriculture work and admitted earning his livelihood from the same. Thus, he cannot be said to be not gainfully employed after his disengagement. Consequently, the petitioner is entitled for reinstatement by the respondent with seniority, continuity in service except back wages. Issue no.2 is accordingly answered in favour of petitioner.

ISSUE No.3

20. In view of positive findings of issues no. 1 and 2 above, the claim petition of petitioner is certainly maintainable and petitioner is found entitled to the relief of reinstatement. Even otherwise, the respondent has not been able to establish that the petition is not maintainable. Issue no.3 is accordingly answered in favour of petitioner and against the respondent.

ISSUE No. 4

21. The respondent has contended that the petition suffers from the vice of delay and laches. However, the said plea is not tenable, firstly, for the reason that when the Labour Commissioner, Government of Himachal Pradesh had refused to refer this matter to the Labour Court *vide* letter Ex.PW1/G, the same was quashed by the Hon'ble High Court of H.P. *vide* decision dated 26-10-2015 Ex.RW1/H passed in CWP No. 4251/2015 and respondents were directed to consider the case of petitioner in terms of judgment **Partap Chand vs. Himachal Pradesh State Electricity Board, CWP No.9467/2014** whereupon the present reference has been submitted for adjudication. Secondly, the petitioner has tendered in evidence his applications Ex.PW1/B to Ex.PW1/D dated 21-1-2004, 3-10-2008 and 16-11-2011 respectively praying for

engaging him regularly on muster rolls. Though, petitioner has stated to send these applications by registered post but he has not appended the receipts. However, these applications are not proved by respondent to have been forged by petitioner or fictitious. In such view of the matter, it cannot be said that petitioner's claim is barred by delay and laches. Furthermore, our Hon'ble High Court in **State of H.P. Anr. vs. Partap Singh, 2016(6) ILR HP 1314** relying upon the judgment of Hon'ble Apex Court in the case *Raghuvir v. G.M. Haryana Roadways Hissar*, (2014)10 SCC 301 has held as under:—

"....that there is no limitation for reference to Labour Court under Section 10 of the Act. It was held that words "At any time" mentioned in Section 10 of the Act clearly define that law of limitation would not be applicable qua proceedings of reference under Section 10 of the Act.

"Section 10 of Industrial Disputes Act, 1947:- Reference of dispute to Boards, Courts or Tribunals-(1) where the appropriate Government is of the opinion that any industrial dispute exists or is apprehended, it may at any time by order in writing,

(a) Refer the dispute to a Board for promoting a settlement thereof, (b) Refer any matter appearing to be connected with or relevant to the dispute to a Court for inquiry."

22. In **Narain Singh vs. State of H.P. & Ors. 2016 Law Suit (HP) 1013** again Hon'ble High Court of Himachal has turned down the plea of respondent department regarding delay and laches relying upon **Raghuvir v. G.M. Haryana Roadways Hissar (Supra)**. Consequently, issue no.4 is answered in negative against the respondent.

RELIEF

23. As a sequel to the findings of this Court on the aforementioned issues, the claim petition is allowed in part. The respondent is directed to re-engage the petitioner forthwith. The petitioner shall be entitled to seniority and continuity in service from the date of his termination **except back wages**. The parties are left to bear their costs. The reference is answered in aforesaid terms. A copy of this Award be sent to the appropriate Government for publication in the official gazette. File after due completion be consigned to the Record Room.

Announced in the open Court today this 26th day of October, 2021.

Sd/-
(ARVIND MALHOTRA),
Presiding Judge,
Labour Court-cum-Industrial Tribunal,
Kangra at Dharamshala, H.P.

**IN THE COURT OF ARVIND MALHOTRA, PRESIDING JUDGE, LABOUR COURT-
CUM-INDUSTRIAL TRIBUNAL, KANGRA AT DHARAMSHALA (H.P.)
(CAMP AT MANDI)**

Ref. No. : 21/2018
Date of Institution : 28-3-2018
Date of Decision : 29-10-2021

Smt. Beena Devi w/o Shri Dharam Pal, r/o Village Kohan, P.O. Sajaopiplu, Tehsil Sarkaghat, District Mandi, H.P. . .Petitioner.

Versus

The Executive Engineer, HPPWD Division, Dharampur, District Mandi, H.P. . .Respondent.

Reference under Section 10 (1) of the Industrial Disputes Act, 1947.

For the Petitioner : Sh. S. K. Sharma, Ld. Adv.
For Respondent : Smt. Navina Rahi, Ld. Dy. D.A.

AWARD

The reference given below has been received from the appropriate Government for adjudication:

“Whether termination of the services of Smt. Beena Devi w/o Shri Dharam Pal, r/o Village Kohan, P.O. Sajaopiplu, Tehsil Sarkaghat, District Mandi, H.P. by the Executive Engineer, H.P.P.W.D. Division, Dharampur, Tehsil Sarkaghat, District Mandi, H.P. *w.e.f.* 01-11-2000 without complying with the provisions of the Industrial Disputes Act, 1947, is legal and justified? If not, what amount of back wages, seniority, past service benefits and amount of compensation the above aggrieved worker is entitled to from the above employer?”

2. Learned counsel for the petitioner has made the following statement in the Court today:—

“State that I am authorized counsel of petitioner Smt. Beena Devi and competent to make statement on her behalf. Under Instructions of petitioner Smt. Beena Devi, I state that petitioner does not want to pursue the present case and withdraws the claim against the respondent. The reference may kindly be disposed off in above terms?”

RO&AC
Sd/-
(Shri S.K. Sharma, Ld. Adv.)

PJ
Sd/-

3. In view of the above statement, this reference/claim petition is disposed off as not pursued and withdrawn by the petitioner. Parties to bear their own costs.

4. The reference is answered in the aforesaid terms.

5. A copy of this Award be sent to the appropriate Government for necessary action at its end and the file after due completion be consigned to the Record Room.

Announced in the open Court today this 29th day of October, 2021.

Sd/-
(ARVIND MALHOTRA),
Presiding Judge,
Labour Court-cum-Industrial Tribunal,
Kangra at Dharamshala, H.P.
(Camp at Mandi).

**IN THE COURT OF SHRI ARVIND MALHOTRA, PRESIDING JUDGE, LABOUR
COURT-CUM-INDUSTRIAL TRIBUNAL, KANGRA AT DHARAMSHALA (H.P.)**

Ref. No. : 65/2020
Date of Institution : 9-9-2020
Date of Decision : 18-10-2021

Shri Bhajan Singh s/o Shri Prem Singh, r/o VPO Boh, Tehsil Darini, District Kangra, H.P.
..Petitioner.

Versus

M/s Sodhi Brothers Hydro Power Private Limited, 25, Phase-1, Industrial Area, Nagrota Bagwan, District Kangra, H.P.
..Respondent.

Reference under Section 10 (1) of the Industrial Disputes Act, 1947.

For the Petitioner : Petitioner in person
: Sh. Mohit Dhima, Ld. Adv.
For Respondent : Sh. Yash Pal Sharma, Ld. Adv.

AWARD

The reference given below has been received from the appropriate Government for adjudication:

“Whether the termination of services of the workman Shri Bhajan Singh s/o Shri Prem Singh, r/o V.P.O. Boh, Tehsil Darini, District Kangra, H.P. by M/S Sodhi Brothers Hydro Power Private Limited, 25, Phase-1, Industrial Area, Nagrota Bagwan, District Kangra, H.P., w.e.f. 19-04-2019 vide letter dated 18-04-2019, without complying with the provisions of the Industrial Disputes Act, 1947, is legal and justified? If not, what amount of back wages, past service benefits, seniority and compensation the above worker is entitled to from the above employer?”

2. File taken up today pursuant to the order of even date passed in the application for preponment of case. Petitioner has made the following statement in the Court today:—

“Stated that I have amicably settled my dispute with the respondent. As a result of settlement, I have joined my services with the respondent. I have no further claim against the respondent. Consequently, I withdraw my claim petition against the respondent. The present reference may kindly be answered accordingly”.

RO&AC
Sd/-

PJ
Sd/-

(Shri Bhajan Singh, Petitioner)
(Identified by Sh. Mohit Dhiman,
Ld. Adv.)

3. In view of the above statement, this reference/claim petition is disposed off as withdrawn by the petitioner. Parties to bear their own costs.

4. The reference is answered in the aforesaid terms.

5. A copy of this Award be sent to the appropriate Government for necessary action at its end and the file after due completion be consigned to the Record Room.

Announced in the open Court today this 18th day of October, 2021.

Sd/-
(ARVIND MALHOTRA),
Presiding Judge,
Labour Court-cum-Industrial Tribunal,
Kangra at Dharamshala, H.P.

ब अदालत सहायक समाहर्ता प्रथम वर्ग (तहसीलदार) बद्दी, जिला सोलन, हिमाचल प्रदेश

मिसल नं० : 08/2021

वाद अनुवान : नाम दुरुस्ती

तारीख रजुआ : 07-10-2021

श्री राहुल कुमार पुत्र श्री मदन लाल पुत्र श्री देवी राम, निवासी गांव घाट, डाकघर पट्टा, तहसील बद्दी, जिला सोलन, हिमाचल प्रदेश।

बनाम

आम जनता बजरिया हिमाचल प्रदेश सरकार

इश्तहार आम जनता बाबत वाशिन्दगान देह मौजा धरोहा, तहसील बद्दी, जिला सोलन (हि०प्र०)।

हरगाह हर खास व आम को बजरिया इश्तहार सूचित किया जाता है कि वादी श्री राहुल कुमार पुत्र श्री मदन लाल पुत्र श्री देवी राम, निवासी गांव घाट, डाकघर पट्टा, तहसील बद्दी, जिला सोलन, हिमाचल प्रदेश ने राजस्व रिकार्ड खेवट खतौनी नं० 5/5, खसरा नं० 26/13, कित्ता 02, कुल तादादी 79 बीघे 05 बिस्वे में बरुये 3/8 हिस्सा, मुद्रजा जमाबंदी 2016-17 वाका मौजा घाट, हदबस्त नं० 210, तहसील बद्दी, जिला सोलन में दुरुस्ती करवाने हेतु प्रार्थना-पत्र मय परिवार रजिस्टर नकल व आधार कार्ड, पेन कार्ड सहित प्रस्तुत किये हैं।

अतः जिस किसी को इस दुरुस्ती बारे कोई एतराज हो तो वह अदालत हजा में असालतन या वकालतन उपस्थित आकर उजर दिनांक 07-01-2022 को या इससे पूर्व पेश कर सकता है, बाद मियाद कोई उजर/एतराज काबले समायत न होगा।

आज दिनांक 07-12-2021 को हमारे हस्ताक्षर व मोहर अदालत से जारी किया गया।

मोहर।

हस्ताक्षरित/-
सहायक समाहर्ता प्रथम वर्ग (तहसीलदार),
तहसील बद्दी, जिला सोलन (हि०प्र०)।

**ब अदालत श्री अमर चन्द शर्मा, कार्यकारी दण्डाधिकारी एवं नायब तहसीलदार, ममलीग,
उप-तहसील ममलीग, जिला सोलन (हि0 प्र0)**

मिसल नं0 02/2021	तारीख मजरूआ 28-10-2021	तारीख फैसला 14-10-2021	उप-तहसील ममलीग
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श्री गुरदीप पवार पुत्र श्री देवी राम, निवासी ग्राम सतडोल, तहसील कण्डाघाट, जिला सोलन (हि0 प्र0)। वादी।

बनाम

सरकार हिमाचल प्रदेश

प्रतिवादी।

प्रार्थना-पत्र जेरे धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969 व धारा 9(3) पंजीकरण नियम, 2003.

श्री गुरदीप पवार पुत्र श्री देवी राम, निवासी ग्राम सतडोल, तहसील कण्डाघाट, जिला सोलन (हि0 प्र0) द्वारा कार्यालय में प्रार्थना-पत्र जेरे धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969 व धारा 9(3) पंजीकरण नियम, 2003 के अन्तर्गत प्रार्थना-पत्र दायर किया है, जिसमें वादी द्वारा व्यक्त किया गया है कि उसके दादा श्री गोरखु राम पुत्र श्री लच्छु जिसकी मृत्यु दिनांक 07-04-1977 को हो चुकी है को पंचायत में दर्ज करवाना चाहते हैं।

अतः सर्वसाधारण को सूचित किया जाता है कि श्री गुरदीप पवार पुत्र श्री देवी राम, निवासी ग्राम सतडोल, तहसील कण्डाघाट, जिला सोलन (हि0 प्र0) द्वारा अपने दादा की मृत्यु तिथि जो कि 07-04-1977 है को ग्राम पंचायत सतडोल में दर्ज करने बारे यदि किसी को कोई उजर/एतराज हो तो इस इशतहार के जारी होने के 30 दिन के भीतर लिखित/मौखिक असालतन/वकालतन अधोहस्ताक्षरी की अदालत में प्रस्तुत कर सकता है। यदि उक्त समय अवधि के भीतर कोई उजर/एतराज प्राप्त नहीं होता है तो उक्त प्रकरण पर नियमानुसार आदेश पारित कर दिये जाएंगे।

आज दिनांक 14-12-2021 को हमारे हस्ताक्षर व मोहर अदालत हजा द्वारा जारी किया गया।

मोहर।

हस्ताक्षरित/—

कार्यकारी दण्डाधिकारी एवं नायब तहसीलदार, ममलीग,
उप-तहसील ममलीग, जिला सोलन (हि0 प्र0)।

Office of the Sub-Divisional Magistrate, Arki, District Solan (H. P.)

Case No. 10/2021	Date of Institution 08-12-2021	Date of Decision Fixed for hearing on 07-01-2022
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Smt. Reena Devi w/o Shri Mahender Kumar, r/o Village Gavah, P.O. Darlaghat, Tehsil Arki, District Solan, Himachal Pradesh.

Versus

General Public

Regarding delayed registration of Birth event under section 13(3) of the Birth and Death Registration Act, 1969 and section 9(3) of H.P. Birth & Death Registration Rule, 2003.

Proclamation:

Smt. Reena Devi w/o Shri Mahender Kumar, r/o Village Gavah, P.O. Darlaghat, Tehsil Arki, District Solan, Himachal Pradesh has filed a case under section 13(3) of the Birth & Death Registration Act, 1969 and section 9(3) of H.P. Birth & Death Registration Rule, 2003 alongwith affidavits and other documents stating therein that her son namely Mohit Kumar was born on 01-05-2011 at Village Plata, P.O. Okharu, Sub-Tehsil Darla, Tehsil Arki but his birth has not been entered in the records of Gram Panchayat Darla, Tehsil Arki, District Solan, H.P. as per certificate No. 10 issued by the Registrar, Birth and Death Registration, G.P. Darla, Tehsil Arki.

Therefore, by this proclamation, the general public is hereby informed that any person having objection for registration of delayed birth event of Mohit Kumar son of Sh. Mahender Kumar & Smt. Reena Devi, may submit their objections in writing in this office on or before 07-01-2022 at 10.00 A.M. failing which no objection will be entertained after date of hearing.

Given under my hand and seal of this office on this 08th day of December, 2021.

Seal.

Sd/-

*Sub-Divisional Magistrate,
Arki, District Solan (H. P.).*

Office of the Sub-Divisional Magistrate, Arki, District Solan (H. P.)

Case No.	Date of Institution	Date of Decision
09/2021	08-12-2021	Fixed for hearing on 07-01-2022

Smt. Reena Devi w/o Shri Mahender Kumar, r/o Village Gavah, P.O. Darlaghat, Tehsil Arki, District Solan, Himachal Pradesh

Versus

General Public

Regarding delayed registration of Birth event under section 13(3) of the Birth and Death Registration Act, 1969 and section 9(3) of H.P. Birth & Death Registration Rule, 2003.

Proclamation

Smt. Reena Devi w/o Shri Mahender Kumar, r/o Village Gavah, P.O. Darlaghat, Tehsil Arki, District Solan, Himachal Pradesh has filed a case under section 13(3) of the Birth & Death Registration Act, 1969 and section 9(3) of H.P. Birth & Death Registration Rule, 2003 alongwith affidavits and other documents stating therein that her daughter namely Shagun was born on 29-10-2009 at Village Plata, P.O. Okharu, Sub-Tehsil Darla, Tehsil Arki but her birth has not been entered in the records of Gram Panchayat Darla, Tehsil Arki, District Solan, H.P. as per certificate No. 10 issued by the Registrar, Birth and Death Registration, G.P. Darla, Tehsil Arki.

Therefore, by this proclamation, the general public is hereby informed that any person having objection for registration of delayed birth event of Shagun daughter of Sh. Mahender Kumar & Smt. Reena Devi, may submit their objections in writing in this office on or before 07-01-2022 at 10.00 A.M. failing which no objection will be entertained after date of hearing.

Given under my hand and seal of this office on this 08th day of December, 2021.

Seal.

Sd/-

*Sub-Divisional Magistrate,
Arki, District Solan (H. P.).*

Office of the Sub-Divisional Magistrate, Arki, District Solan, H. P.

Case No.	Date of Institution	Date of Decision
08/2021	08-12-2021	Fixed for hearing on 07-01-2022

Smt. Reena Devi w/o Shri Mahender Kumar, r/o Village Gavah, P.O. Darlaghat, Tehsil Arki, District Solan, Himachal Pradesh

Versus

General Public

Regarding delayed registration of Birth event under section 13(3) of the Birth and Death Registration Act, 1969 and section 9(3) of H.P. Birth & Death Registration Rule, 2003.

Proclamation:

Smt. Reena Devi w/o Shri Mahender Kumar, r/o Village Gavah, P.O. Darlaghat, Tehsil Arki, District Solan, Himachal Pradesh has filed a case under section 13(3) of the Birth & Death Registration Act, 1969 and section 9(3) of H.P. Birth & Death Registration Rule, 2003 along with affidavits and other documents stating therein that her daughter namely Mehak was born on 24-01-2008 at Village Plata, P.O. Okharu, Sub-Tehsil Darla, Tehsil Arki but her birth has not been entered in the records of Gram Panchayat Darla, Tehsil Arki, District Solan, H.P. as per certificate No. 10 issued by the Registrar, Birth and Death Registration, G.P. Darla, Tehsil Arki.

Therefore, by this proclamation, the general public is hereby informed that any person having objection for registration of delayed birth event of Mehak daughter of Sh. Mahender Kumar & Smt. Reena Devi, may submit their objections in writing in this office on or before 07-01-2022 at 10.00 A.M. failing which no objection will be entertained after date of hearing.

Given under my hand and seal of this office on this 08th day of December, 2021.

Seal.

Sd/-

*Sub-Divisional Magistrate,
Arki, District Solan (H. P.).*

In the court of Sub-Divisional Magistrate, Kandaghat, Distt. Solan, Exercising the Powers of Marriage Officer Kandaghat, District Solan (H.P.)

In Ref :

1. Sh. Prabhnoor Singh s/o Sh. Manjinder Singh aged 34 years, r/o V.P.O. Kandaghat, District Solan (H.P.).
2. Smt. Jitender Kaur d/o Sh. Mohan Singh aged 32 years, r/o Durga Nagar, Near Surya Public School, Jalbehra Road Ambala, presently r/o H. No. 36/78, New Hari Avenue, Randhawa Road Kharar, Mohali, SAS Nagar-140308, Punjab . . *Applicants.*

Versus

General Public

. . *Respondent.*

An application under section 15 of the Special Marriage Act, 1954 has been received by the undersigned from Sh. Prabhnoor Singh s/o Sh. Manjinder Singh aged 34 years, r/o V.P.O. Kandaghat, District Solan (Husband) and Smt. Jitender Kaur d/o Sh. Mohan Singh aged 32 years, r/o Durga Nagar, Near Surya Public School, Jalbehra Road Ambala, Presently r/o H. No. 36/78, New Hari Avenue, Randhawa Road Kharar, Mohali, SAS Nagar-140308, Punjab (Wife).

If there is any objection on this marriage, the objection in person or through counsel can be submitted to this court on or before 12-01-2022, otherwise the marriage will be registered.

Issued on this 13th December, 2021 under my hand and seal of the court.

Seal.

Sd/-

*Marriage Officer-cum-Sub-Divisional Magistrate,
Kandaghat, District Solan (H.P.).*

In the Court of Sub-Divisional Magistrate, Nalagarh, District Solan (H.P.) exercising the powers of Marriage Officer under Special Marriage Act, 1954

Case No. : / 2021

Date of Instt. : 13-12-2021

Pending for : 13-01-2022

Shri Ajay Kumar

V/s

General Public

Notice u/s 15 of the Special Marriage Act, 1954 inviting the objections of the General Public for registration of marriage.

Notice to the General Public.

Whereas, Shri Ajay Kumar s/o Shri Balvinder Singh, r/o Ward No. 1, V.P.O. Saloh Beri, Tehsil Amb, District Una (H.P.) at present Village Gaguwal, P.O. Rajpura, Tehsil Nalagarh, Distt. Solan (H.P.) and Smt. Jyoti Devi d/o Sh. Pohu Lal, r/o Village Gaguwal, P.O. Rajpura, Tehsil Nalagarh, District Solan H.P. presently w/o Shri Ajay Kumar s/o Shri Balvinder Singh, r/o Ward

No. 1, V.P.O. Saloh Beri, Tehsil Amb, District Una (H.P.) at present Village Gaguwal, P.O. Rajpura, Tehsil Nalagarh, Distt. Solan (H.P.) has moved an application u/s 15 of the Special Marriage Act, 1954 for registration of their marriage that was solemnized on 12-11-2021.

And, whereas both these applicants have submitted in their application and in their affidavits that they were unmarried at the time of solemnization of their marriage and were major in age and having no prohibited relations to each other debarring them to marry each other. Both the applicants have requested for registration of their marriage.

Therefore, by this notice the public in general is informed that if any one has any objection regarding registration of this marriage, he may present before this court on or before 13-01-2022 for hearing of objections if any. In case no objection is received by dated 13-01-2022, it will be presumed that there is no objection to the registration of the above said marriage and the same will be registered on the said date.

Given under my hand and seal of the court on 13-12-2021.

Seal.

Sd/-
Marriage Officer-cum- SDM,
Nalagarh, District Solan (H. P.).

In the Court of Sub-Divisional Magistrate, Nalagarh, District Solan (H.P.) exercising the powers of Marriage Officer under Special Marriage Act, 1954

Case No. : / 2021

Date of Instt. : 10-12-2021

Pending for : 10-01-2022

Shri Omkar Singh

V/s

General Public

Notice u/s 15 of the Special Marriage Act, 1954 inviting the objections of the General Public for registration of marriage.

Notice to the General Public:

Whereas, Shri Omkar Singh s/o Shri Rajinder Singh, r/o Village Manguwal, P.O. Rajpura, Tehsil Nalagarh, District Solan (H.P.) and Smt. Neha Mewari d/o Sh. Mohan Singh, r/o PD Colony Dhar Bithoriya No. 1, Post Haripur Nayak Haldwani Nainital (UK) presently w/o Shri Omkar Singh s/o Shri Rajinder Singh, r/o Village Manguwal, P.O. Rajpura, Tehsil Nalagarh, District Solan (H.P.) has moved an application u/s 15 of the Special Marriage Act, 1954 for registration of their marriage that was solemnized on 08-11-2021.

And, whereas both these applicants have submitted in their application and in their affidavits that they were unmarried at the time of solemnization of their marriage and were major in age and having no prohibited relations to each other debarring them to marry each other. Both the applicants have requested for registration of their marriage.

Therefore, by this notice the public in general is informed that if any one has any objection regarding registration of this marriage, he may present before this court on or before 10-01-2022 for hearing of objections if any. In case no objection is received by dated 10-01-2022, it will be presumed that there is no objection to the registration of the above said marriage and the same will be registered on the said date.

Given under my hand and seal of the court on 10-12-2021.

Seal.

Sd/-
Marriage Officer-cum- SDM,
Nalagarh, District Solan (H. P.).

In the Court of Sub-Divisional Magistrate, Nalagarh, District Solan (H.P.) exercising the powers of Marriage Officer under Special Marriage Act, 1954

Case No. : / 2021

Date of Instt. : 10-12-2021

Pending for : 10-01-2022

Shri Dilawar Singh

V/s

General Public

Notice u/s 15 of the Special Marriage Act, 1954 inviting the objections of the General Public for registration of marriage.

Notice to the General Public:

Whereas, Shri Dilawar Singh s/o Shri Kashmir Singh, r/o Village & P.O. Jhabkara, Tehsil & District Gurdaspur (PB) at present V.P.O. Karuana, Tehsil Baddi, Distt. Solan (H.P.) and Smt. Kumari Chinta d/o Sh. Ravinder Singh, r/o Village Ulana, P. O. & Tehsil Nohra Dhar, Distt. Sirmaur (H.P.) presently w/o Shri Dilawar Singh s/o Shri Kashmir Singh, r/o Village & P.O. Jhabkara, Tehsil & District Gurdaspur (PB) at present V.P.O. Karuana, Tehsil Baddi, Distt. Solan (H.P.) has moved an application u/s 15 of the Special Marriage Act, 1954 for registration of their marriage that was solemnized on 03-08-2016.

And, whereas both these applicants have submitted in their application and in their affidavits that they were unmarried at the time of solemnization of their marriage and were major in age and having no prohibited relations to each other debarring them to marry each other. Both the applicants have requested for registration of their marriage.

Therefore, by this notice the public in general is informed that if any one has any objection regarding registration of this marriage, he may present before this court on or before 10-01-2022 for hearing of objections if any. In case no objection is received by dated 10-01-2022, it will be presumed that there is no objection to the registration of the above said marriage and the same will be registered on the said date.

Given under my hand and seal of the court on 10-12-2021.

Seal.

Sd/-
Marriage Officer-cum- SDM,
Nalagarh, District Solan (H. P.).

In the Court of Sub-Divisional Magistrate, Nalagarh, District Solan (H.P.) exercising the powers of Marriage Officer under Special Marriage Act, 1954

Case No. : / 2021

Date of Instt. : 09-12-2021

Pending for : 10-01-2022

Shri Jashanjot Singh

V/s

General Public

Notice u/s 15 of the Special Marriage Act, 1954 inviting the objections of the General Public for registration of marriage.

Notice to the General Public:

Whereas, Shri Jashanjot Singh s/o Shri Joginder Singh, r/o Village Ratyor, P.O. Dabhota, Tehsil Nalagarh, District Solan (H.P.) and Smt. Shivani d/o Sh. Bhup Singh, r/o Village & P.O. Kamlah, Tehsil Dharampur, Distt. Mandi (H.P.) presently w/o Shri Jashanjot Singh s/o Shri Joginder Singh, r/o Village Ratyor, P.O. Dabhota, Tehsil Nalagarh, District Solan (H.P.) has moved an application u/s 15 of the Special Marriage Act, 1954 for registration of their marriage that was solemnized on 07-10-2020;

And, whereas both these applicants have submitted in their application and in their affidavits that they were unmarried at the time of solemnization of their marriage and were major in age and having no prohibited relations to each other debarring them to marry each other. Both the applicants have requested for registration of their marriage.

Therefore, by this notice the public in general is informed that if any one has any objection regarding registration of this marriage, he may present before this court on or before 10-01-2022 for hearing of objections if any. In case no objection is received by dated 10-01-2022, it will be presumed that there is no objection to the registration of the above said marriage and the same will be registered on the said date.

Given under my hand and seal of the court on 09-12-2021.

Seal.

Sd/-

*Marriage Officer-cum- SDM,
Nalagarh, District Solan (H. P.).*

In the Court of Sub-Divisional Magistrate, Nalagarh, District Solan (H.P.) exercising the powers of Marriage Officer under Special Marriage Act, 1954

Case No. : / 2021

Date of Instt. : 10-12-2021

Pending for : 10-01-2022

Shri Vilas Prabhakar Patil

V/s

General Public

Notice u/s 15 of the Special Marriage Act, 1954 inviting the objections of the General Public for registration of marriage.

Notice to the General Public:

Whereas, Shri Vilas Prabhakar Patil s/o Shri Prabhakar Kashinath Patil, r/o Plot No. 86, Krushna Nagar, Near Mariya Park, Opp. Cozy Hotel, B/H, Ranipur Gam, Narol, Ahmedabad, Gujrat at presint Tara Chand Verma s/o Sh. Pyare Lal, V.P.O. Lodhimajra, Tehsil Baddi, District Solan (H.P.) and Smt. Seema Raver Jalgaon, Maharashtra, presently w/o Shri Vilas Prabhakar Patil s/o Shri Prabhakar Kashinath Patil, r/o Plot No. 86, Krushna Nagar, Near Mariya Park, Opp. Cozy Hotel, B/H, Ranipur Gam, Narol, Ahmedabad, Gujrat has moved an application u/s 15 of the Special Marriage Act, 1954 for registration of their marriage that was solemnized on 17-04-2008.

And, whereas both these applicants have submitted in their application and in their affidavits that they were unmarried at the time of solemnization of their marriage and were major in age and having no prohibited relations to each other debarring them to marry each other. Both the applicants have requested for registration of their marriage.

Therefore, by this notice the public in general is informed that if any one has any objection regarding registration of this marriage, he may present before this court on or before 10-01-2022 for hearing of objections if any. In case no objection is received by dated 10-01-2022, it will be presumed that there is no objection to the registration of the above said marriage and the same will be registered on the said date.

Given under my hand and seal of the court on 10-12-2021.

Seal.

Sd/-
Marriage Officer-cum- SDM,
Nalagarh, District Solan (H. P.).

In the Court of Sub-Divisional Magistrate, Nalagarh, District Solan (H.P.) exercising the powers of Marriage Officer under Special Marriage Act, 1954

Case No. : / 2021

Date of Instt. : 15-12-2021

Pending for : 15-11-2022

Shri Harish Kumar

V/s

General Public

Notice u/s 15 of the Special Marriage Act, 1954 inviting the objections of the General Public for registration of marriage.

Notice to the General Public:

Whereas, Shri Harish Kumar s/o Shri Gurdev Singh, r/o Village Patta, P.O. Galot, Sub-Tehsil Panjehra, District Solan (H.P.) and Smt. Neerja, d/o Sh. Ram Lal, r/o Village Dadal P.O. Bhumati, Tehsil Arki, Distt. Solan (H.P.) presently w/o Shri Harish Kumar s/o Shri Gurdev Singh, r/o Village Patta, P.O. Galot, Sub-Tehsil Panjehra, District Solan (H.P.) has moved an application

u/s 15 of the Special Marriage Act, 1954 for registration of their marriage that was solemnized on 12-12-2021.

And, whereas both these applicants have submitted in their application and in their affidavits that they were unmarried at the time of solemnization of their marriage and were major in age and having no prohibited relations to each other debarring them to marry each other. Both the applicants have requested for registration of their marriage.

Therefore, by this notice the public in general is informed that if any one has any objection regarding registration of this marriage, he may present before this court on or before 15-01-2022 for hearing of objections if any. In case no objection is received by dated 15-01-2022, it will be presumed that there is no objection to the registration of the above said marriage and the same will be registered on the said date.

Given under my hand and seal of the court on 15-12-2021.

Seal.

Sd/-
*Marriage Officer-cum- SDM,
Nalagarh, District Solan (H. P.).*

